

REMARKS

The Office Action, mailed December 12, 2006, considered and rejected claims 1-37. Claims 1-37 were rejected under 35 U.S.C. 102(e) as being anticipated by Andreas et al. (U.S. Patent No. 6,036,699; hereinafter *Andreas*).¹

By this paper, claims 1, 9, 15, 20, 22, 23, 28, 32, and 33 have been amended and claim 19 cancelled.² Accordingly, following this paper, claims 1-14 and 16-37 remain pending, of which claims 1, 9, 15, 23, 28, and 32 are the only independent claims at issue.

Andreas discloses medical devices and methods for suturing tissue (Abstract). The embodiment identified by the Examiner in Figures 1-2B and 4-8 includes "a guide body 402 and a needle shaft 404. The guide body 402 includes a guide tip 406 at its distal end" to which is attached "[a] flexible needle sheath 426" (Col. 9, ll. 54-56 and col. 10, line 15). The needle shaft 404 extends from the proximal end of the device through the guide tip 406 and into the needle sheath 426, while the needle sheath 426 extends from the guide tip 406 (See Figures 1-2B).

Independent claim 1 recites "the device comprising: a shaft having a proximal end portion and a distal end portion; a foot disposed on the distal end portion of the shaft and spaced apart from the proximal end portion, the foot being movable with respect to the shaft; and a flexible guidebody coupled to and extending distally from the distal end portion of the shaft." Applicants respectfully submit that the configuration of foot and flexible guidebody as recited in claim 1 are neither taught nor suggested by *Andreas*. The needle shaft 404 is not "spaced apart from the proximal end portion" or "coupled to and extending distally from the distal end portion of the shaft" as claimed in independent claim 1.

Similar amendments have been made to independent claims 9, 15, 23, 28, and 32. For the same reasons stated above, the inventions claimed in independent claims 9, 15, 23, 28, and 32 are neither taught nor suggested by *Andreas*. Applicants respectfully request withdrawal of the rejection of claims 1-14 and 16-37 under Section 102.³

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should the need arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Support for the claim amendments and new claims can be found throughout the specification.

³ Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise.

For at least the foregoing reasons, Applicant respectfully submits that the pending claims are neither anticipated by nor made obvious by the art of record. In the event that the Examiner finds and remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 19th day of April, 2007.

Respectfully submitted,

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